

REFERENCE TITLE: not citizenship proof; driver licenses

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2703

Introduced by
Representative Miranda B

AN ACT

AMENDING SECTIONS 28-3153, 28-3158 AND 28-3165, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING
SECTION 28-3175; RELATING TO DRIVER AND NONOPERATING IDENTIFICATION LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3153, Arizona Revised Statutes, is amended to
3 read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is under eighteen years of age,
7 except that the department may issue:

8 (a) A restricted instruction permit for a class D or G license to a
9 person who is at least fifteen years of age.

10 (b) An instruction permit for a class D, G or M license as provided by
11 this chapter to a person who is at least fifteen years and seven months of
12 age.

13 (c) A class G or M license as provided by this chapter to a person who
14 is at least sixteen years of age.

15 2. A class D, G or M license or instruction permit to a person who is
16 under eighteen years of age and who has been tried in adult court and
17 convicted of a second or subsequent violation of criminal damage to property
18 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
19 felony offense in the commission of which a motor vehicle is used, including
20 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
21 of transportation pursuant to section 13-1803 or theft of means of
22 transportation pursuant to section 13-1814, or who has been adjudicated
23 delinquent for a second or subsequent act that would constitute criminal
24 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
25 adjudicated delinquent for an act that would constitute a felony offense in
26 the commission of which a motor vehicle is used, including theft of a motor
27 vehicle pursuant to section 13-1802, unlawful use of means of transportation
28 pursuant to section 13-1803 or theft of means of transportation pursuant to
29 section 13-1814, if committed by an adult.

30 3. A class A, B or C license to a person who is under twenty-one years
31 of age, except that the department may issue a class A, B or C license that
32 is restricted to only intrastate driving to a person who is at least eighteen
33 years of age.

34 4. A license to a person whose license or driving privilege has been
35 suspended, during the suspension period.

36 5. Except as provided in section 28-3315, a license to a person whose
37 license or driving privilege has been revoked.

38 6. A class A, B or C license to a person who has been disqualified
39 from obtaining a commercial driver license.

40 7. A license to a person who on application notifies the department
41 that the person is an alcoholic as defined in section 36-2021 or a drug
42 dependent person as defined in section 36-2501, unless the person
43 successfully completes the medical screening process pursuant to section
44 28-3052 or submits a medical examination report that includes a current
45 evaluation from a substance abuse counselor indicating that, in the opinion

1 of the counselor, the condition does not affect or impair the person's
2 ability to safely operate a motor vehicle.

3 8. A license to a person who has been adjudged to be incapacitated
4 pursuant to section 14-5304 and who at the time of application has not
5 obtained either a court order that allows the person to drive or a
6 termination of incapacity as provided by law.

7 9. A license to a person who is required by this chapter to take an
8 examination unless the person successfully passes the examination.

9 10. A license to a person who is required under the motor vehicle
10 financial responsibility laws of this state to deposit proof of financial
11 responsibility and who has not deposited the proof.

12 11. A license to a person if the department has good cause to believe
13 that the operation of a motor vehicle on the highways by the person would
14 threaten the public safety or welfare.

15 12. A license to a person whose driver license has been ordered to be
16 suspended pursuant to section 25-518.

17 B. The department shall not issue a driver license to or renew the
18 driver license of the following persons:

19 1. A person about whom the court notifies the department that the
20 person violated the person's written promise to appear in court when charged
21 with a violation of the motor vehicle laws of this state until the department
22 receives notification in a manner approved by the department that the person
23 appeared either voluntarily or involuntarily or that the case has been
24 adjudicated, that the case is being appealed or that the case has otherwise
25 been disposed of as provided by law.

26 2. If notified pursuant to section 28-1601, a person who fails to pay
27 a civil penalty as provided in section 28-1601, except for a parking
28 violation, until the department receives notification in a manner approved by
29 the department that the person paid the civil penalty, that the case is being
30 appealed or that the case has otherwise been disposed of as provided by law.

31 C. The magistrate or the clerk of the court shall provide the
32 notification to the department prescribed by subsection B of this section.

33 ~~D. Notwithstanding any other law, the department shall not issue to or~~
34 ~~renew a driver license or nonoperating identification license for a person~~
35 ~~who does not submit proof satisfactory to the department that the applicant's~~
36 ~~presence in the United States is authorized under federal law. For an~~
37 ~~application for a driver license or a nonoperating identification license,~~
38 ~~the department shall not accept as a primary source of identification a~~
39 ~~driver license issued by a state if the state does not require that a driver~~
40 ~~licensed in that state be lawfully present in the United States under federal~~
41 ~~law. The director shall adopt rules necessary to carry out the purposes of~~
42 ~~this subsection. The rules shall include procedures for:~~

43 ~~1. Verification that the applicant's presence in the United States is~~
44 ~~authorized under federal law.~~

~~2. Issuance of a temporary driver permit pursuant to section 28-3157 pending verification of the applicant's status in the United States.~~

Sec. 2. Section 28-3158, Arizona Revised Statutes, is amended to read:
28-3158. Driver license or instruction permit application

A. A person who applies for an instruction permit or for a driver license shall use a form furnished by the department.

B. An applicant shall pay the fee prescribed by section 28-3002 for a driver license or for an instruction permit issued under section 28-3154, 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section entitles the applicant to not more than three attempts to pass the written examination or road test within twelve months from the date of the application. The department shall refund an application fee pursuant to section 28-373. An applicant who submits documentation of successful completion of a driver education course approved by the department is not required to take the road test.

C. An applicant for an instruction permit or a driver license shall give the department satisfactory proof of the applicant's full legal name, date of birth, sex and residence address ~~and that the applicant's presence in the United States is authorized under federal law.~~ AN APPLICANT SHALL PROVE THE APPLICANT'S CURRENT RESIDENCE ADDRESS AND THAT THE APPLICANT HAS RESIDED IN THE UNITED STATES FOR AT LEAST THREE YEARS BEFORE APPLICATION WITH A PHOTO IDENTIFICATION AND DOCUMENTATION FROM TWO ADDITIONAL SOURCES THAT MAY INCLUDE ANY OF THE FOLLOWING:

1. A UTILITY BILL.
2. A RESIDENTIAL LEASE OR RENTAL AGREEMENT.
3. A PUBLIC SCHOOL ENROLLMENT FORM.
4. A PASSPORT.
5. IMMIGRATION IDENTIFICATION DOCUMENTATION.

D. The application for an instruction permit or a driver license shall state the following:

1. A brief description of the applicant and any other identifying information required by the department.

2. Whether the applicant has been licensed, and if so, the type of license issued, when the license was issued and what state or country issued the license.

3. Whether the license was suspended or revoked or whether an application was ever refused, and if so, the date of and reason for the suspension, revocation or refusal.

4. If the applicant was never licensed, the applicant's last previous state or country of residence.

5. UNLESS THE APPLICATION IS FOR A NONRESIDENT COMMERCIAL DRIVER LICENSE, the social security number of the applicant ~~unless the application is for a nonresident commercial driver license~~, EXCEPT THAT, IF THE APPLICANT DOES NOT POSSESS A SOCIAL SECURITY NUMBER, THE APPLICANT MAY PROVIDE ANY OF THE FOLLOWING:

1 (a) A TAXPAYER IDENTIFICATION NUMBER.
2 (b) A LETTER FROM THE SOCIAL SECURITY ADMINISTRATION STATING THAT THE
3 APPLICANT IS NOT ELIGIBLE TO OBTAIN A SOCIAL SECURITY NUMBER.
4 (c) A SWORN AFFIDAVIT.
5 (d) A FOREIGN PASSPORT, WITH OR WITHOUT A UNITED STATES VISA.
6 E. IF AN APPLICANT PROVIDES A SOCIAL SECURITY NUMBER, the department
7 shall:
8 1. Verify that a social security number provided by an applicant is a
9 valid number assigned to that applicant.
10 2. Retain the social security number in its records.
11 F. The social security number provided to the department pursuant to
12 subsection D of this section for an applicant's driver license or instruction
13 permit shall not appear on an applicant's driver license or instruction
14 permit unless the applicant requests that the social security number appear
15 on the applicant's driver license or instruction permit as the driver license
16 or instruction permit number. Except as provided in sections 28-450 and
17 41-1954, the department shall not release the social security number to any
18 person unless the applicant requests that the social security number appear
19 on the applicant's driver license or instruction permit as the driver license
20 or instruction permit number. The provisions of this subsection shall be
21 included in each application.
22 ~~G. The department may adopt and implement procedures to deny a driver~~
23 ~~license or instruction permit to a person who has been deported. The~~
24 ~~department may adopt and implement procedures to reinstate a person's~~
25 ~~privilege to apply for a driver license or permit if the person's legal~~
26 ~~presence status is restored.~~
27 H. G. On request of an applicant, the department shall allow the
28 applicant to provide on the license or permit a post office box address that
29 is regularly used by the applicant.
30 I. H. The department may request an applicant who appears in person
31 for a license, a duplicate license or reinstatement of a driving privilege to
32 complete satisfactorily the vision screening prescribed by the department.
33 Sec. 3. Section 28-3165, Arizona Revised Statutes, is amended to read:
34 28-3165. Nonoperating identification license; rules;
35 emancipated minors
36 A. On receipt of an application from a person who does not have a
37 valid driver license issued by this state or whose driving privilege is
38 suspended, the department shall issue a nonoperating identification license
39 that contains a distinguishing number assigned to the licensee, the full
40 legal name, the date of birth, the residence address and a brief description
41 of the licensee and either a facsimile of the signature of the licensee or a
42 space on which the licensee is required to write the licensee's usual
43 signature with pen and ink. A nonoperating identification license that is
44 issued to a person whose driving privilege is suspended shall not be valid
45 for more than one hundred eighty days from the date of issuance.

1 B. On request of an applicant, the department shall allow the
2 applicant to provide on the nonoperating identification license a post office
3 box address that is regularly used by the applicant.

4 C. A person who is issued a license pursuant to this section shall use
5 it only for identification purposes of the licensee. The nonoperating
6 identification license does not grant authority to operate a motor vehicle in
7 this state. The department shall clearly label the nonoperating
8 identification license "for identification only, not for operation of a motor
9 vehicle".

10 D. On issuance of a driver license, the holder of a nonoperating
11 identification license shall surrender the nonoperating identification
12 license to the department and the department shall not refund any fee paid
13 for the issuance of the nonoperating identification license.

14 E. A nonoperating identification license shall contain the photograph
15 of the licensee. The department shall use a process in the issuance of
16 nonoperating identification licenses that prohibits as nearly as possible the
17 ability to superimpose a photograph on the license without ready
18 detection. The department shall process nonoperating identification licenses
19 and photo attachments in color.

20 F. On application, an applicant shall give the department satisfactory
21 proof of the applicant's full legal name, date of birth, sex and residence
22 address ~~and that the applicant's presence in the United States is authorized~~
23 ~~under federal law.~~ The application shall briefly describe the applicant,
24 state whether the applicant has been licensed, and if so, the type of license
25 issued, when and by what state or country and whether any such license is
26 under suspension, revocation or cancellation. The application shall contain
27 other identifying information required by the department. ~~AN APPLICANT SHALL~~
28 ~~PROVE THE APPLICANT'S CURRENT RESIDENCE ADDRESS AND THAT THE APPLICANT HAS~~
29 ~~RESIDED IN THE UNITED STATES FOR AT LEAST THREE YEARS BEFORE APPLICATION WITH~~
30 ~~A PHOTO IDENTIFICATION AND DOCUMENTATION FROM TWO ADDITIONAL SOURCES THAT MAY~~
31 ~~INCLUDE ANY OF THE FOLLOWING:~~

- 32 1. A UTILITY BILL.
- 33 2. A RESIDENTIAL LEASE OR RENTAL AGREEMENT.
- 34 3. A PUBLIC SCHOOL ENROLLMENT FORM.
- 35 4. A PASSPORT.
- 36 5. IMMIGRATION IDENTIFICATION DOCUMENTATION.

37 ~~G. The department may adopt and implement procedures to deny a~~
38 ~~nonoperating identification license to a person who has been deported. The~~
39 ~~department may adopt and implement procedures to reinstate a person's~~
40 ~~privilege to apply for a nonoperating identification license if the person's~~
41 ~~legal presence status is restored.~~

42 ~~H.~~ G. A nonoperating identification license issued by the department
43 is solely for the use and convenience of the applicant for identification
44 purposes.

1 ~~H.~~ H. The department shall adopt rules and establish fees for
2 issuance of a nonoperating identification license, except that the department
3 shall not require an examination.

4 ~~I.~~ I. A person who is sixty-five years of age or older and a person
5 who is a recipient of public monies as a disabled individual under title XVI
6 of the social security act, as amended, are exempt from the fees established
7 pursuant to this section.

8 ~~J.~~ J. If a person qualifies for a nonoperating identification license
9 and is under the legal drinking age, the department shall issue a license
10 that is marked by color, code or design to immediately distinguish it from a
11 nonoperating identification license issued to a person of legal drinking
12 age. The department shall indicate on the nonoperating identification
13 license issued pursuant to this subsection the year in which the person will
14 attain the legal drinking age.

15 ~~K.~~ K. If a minor has been emancipated pursuant to title 12, chapter
16 15, on application and proof of emancipation, the department shall issue a
17 nonoperating identification license that contains the words "emancipated
18 minor".

19 Sec. 4. Title 28, chapter 8, article 4, Arizona Revised Statutes, is
20 amended by adding section 28-3175, to read:

21 28-3175. Licenses; not proof of citizenship
22 POSSESSION OF A DRIVER LICENSE, AN INSTRUCTION PERMIT OR A NONOPERATING
23 IDENTIFICATION LICENSE ISSUED PURSUANT TO THIS CHAPTER IS NOT PROOF OF UNITED
24 STATES CITIZENSHIP.